

WSR 23-19-081

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Nursing)

[Filed September 19, 2023, 12:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-03-069.

Title of Rule and Other Identifying Information: Health equity continuing education (CE) for licensed practical nurses (LPN) and registered nurses (RN) licensed by the Washington state board of nursing (board) in WAC 246-840-220 and 246-840-222. The board, formerly known as the nursing care quality assurance commission, is proposing a new section of rule and revisions to existing rule in order to establish health equity CE requirements to implement ESSB 5229 (chapter 276, Laws of 2021).

Hearing Location(s): On October 25, 2023, at 9:00 a.m., at the Department of Health, Town Center 2, Room 145, 111 Israel Road S.E., Tumwater, WA 98501; or virtually. Please follow this link to register for the virtual hearing which will give you instructions to either join the meeting on a device, or to call into the meeting on the phone <https://us02web.zoom.us/join> [https://us02web.zoom.us/join/register/tZYkfu6sqzMpEtKLBmHstlLOeDggf4qVY6y8](https://us02web.zoom.us/join/https://us02web.zoom.us/join/register/tZYkfu6sqzMpEtKLBmHstlLOeDggf4qVY6y8). After registering you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: October 25, 2023.

Submit Written Comments to: Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-4738, by October 10, 2023.

Assistance for Persons with Disabilities: Contact Jessilyn Dagum, phone 360-236-3538, fax 360-236-4738, TTY 711, email NCQAC.Rules@doh.wa.gov, by October 10, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 43.70.613 (3)(b) directs the rule-making authority for each health profession licensed under Title 18 RCW that is subject to CE to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directs the department of health (department) to create model rules establishing the minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167. Any rules developed for the board must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The board is proposing new WAC 246-840-222 and amendments to WAC 246-840-220 to implement ESSB 5229. The board is proposing adopting the health equity model rules, WAC 246-12-800 through 246-12-830, for LPNs and RNs licensed by the board to comply with RCW 43.70.613.

The proposed rule adds two hours of health equity education, as required in the model rules, to be completed annually as part of the current CE requirements every year. The proposed rule does not change total CE hours but requires two hours in health equity CE every year which is absorbed into the existing number of CE hours required. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession.

Reasons Supporting Proposal: The goal of health equity CE is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of health equity

trainings includes implicit bias trainings to identify strategies to reduce bias during assessment and diagnosis in an effort to address structural factors, such as bias, racism, and poverty, that manifest as health inequities.

Two hours of training allows individuals to gain a foundation in health equity that can have an immediate positive impact on the professional's interaction with those receiving care. Health equity training enables health care professionals to care effectively for patients from diverse cultures, groups, and communities, varying race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity. The two hours of health equity CE credits may be earned as part of the health professional's existing CE requirements, therefore not requiring completion of additional CE hours.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.110, and 43.70.613.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state board of nursing, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jessilyn Dagum, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-3538; Enforcement: Catherine Woodard, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-4757.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email NCQAC.Rules@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

September 19, 2023
Alison Bradywood, DNP, MN/MPH, RN, NEA-BC
Executive Director
Washington State Board of Nursing

OTS-4786.2

AMENDATORY SECTION (Amending WSR 21-11-032, filed 5/12/21, effective 6/12/21)

WAC 246-840-220 Continuing competency requirements—Active status. (1) Upon license renewal a nurse must attest on a form provided by the department of health declaring completion of the required active nursing practice hours and continuing nursing education hours.

(2) A nurse must complete within a (~~twelve~~) 12-month period prior to the renewal of licensure:

(a) A minimum of (~~ninety-six~~) 96 hours of active nursing practice; and

(b) A minimum of eight hours of continuing nursing education of which at least two hours must be on health equity training, as specified in WAC 246-840-222.

(3) Nurses must complete a qualified suicide prevention training as follows:

(a) A registered nurse, except for registered nurses holding an active certified registered nurse anesthetist license, and licensed practical nurses must complete a one-time, six hour training in suicide assessment, treatment, and management from a qualified suicide prevention training program. The training must be completed by the end of the first full year of practice.

(b) A qualified suicide training program must be on the model list, required under RCW 43.70.442, to be accepted.

(c) The hours spent completing a qualified training program in suicide assessment, treatment, and management under this section counts toward continuing competency requirements in subsection (2)(b) of this section.

(4) Nurses who are enrolled in, or have completed prerequisite classes for, an advanced nursing education program are exempt from the continuing competency requirements during their current review period.

[Statutory Authority: RCW 18.79.010 and 18.79.110. WSR 21-11-032, § 246-840-220, filed 5/12/21, effective 6/12/21. Statutory Authority: RCW 18.79.110 and 43.70.442. WSR 16-04-097, § 246-840-220, filed 2/1/16, effective 3/3/16.]

NEW SECTION

WAC 246-840-222 Continuing competency requirements—Health equity continuing education. (1) Licensed practical nurses and registered nurses must complete a minimum of two hours of health equity continuing education every year upon license renewal as described in WAC 246-12-800 through 246-12-830.

(2) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(3) After the first required reporting period, this training must be completed within a 12-month period prior to license renewal. Additional hours cannot be rolled over to the following year.

(4) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements for nurse license renewal as described in WAC 246-840-220.

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